

### REMARKS

The Official Action dated April 20, 2004 has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

The specification has been amended to correct an inconsistency objected to by the Examiner in the Office Action. Particularly, example 18, on page 11, has been amended so that the substituent on ring D is 2-SO<sub>3</sub>H-5-DCT as described in the paragraph following the table on page 11. It is believed that this change does not involve the introduction of new matter.

By the present Amendment, claims 1-8 have been cancelled, while claims 9-25 have been added, finding support in the specification at pages 4-8 and the claims as originally filed. It is believed that these changes do not involve any introduction of new matter, and thereby entry is believed to be in order and is respectfully requested.

The Examiner asserted that a certified copy of the United Kingdom Application 0100192.4 filed January 5, 2001 has not been filed. However, it is believed that a certified copy of the United Kingdom Application was provided in parent application PCT/US02/00270 filed January 4, 2002. Thus, the Applicants direct the Examiner's attention to the parent PCT application for the certified UK priority application. However, if a certified copy of the UK priority application is no longer in the parent PCT application, please advise the undersigned so that a certified copy can be requested.

Claims 1-8 have been rejected under 35 U.S.C. § 112, first paragraph, the Examiner asserting that the specification, while being enabling for reactive dye compounds of Formula 3, did not reasonably provide enablement for compounds of formula 3 comprising no reactive

groups. Specifically, the Examiner asserted that the compounds of claim 1 define the fiber reactive group as optional, while the specification defines the fiber reactive group as necessary. This rejection is traversed. The Applicants note that claims 9-25 presented herein require at least one  $R_3$  group to be  $-SO_2Y$ ,  $-NHCOY$ ,  $-A$  or  $-B$ . Thus, the specification is sufficient to enable any person skilled in the art to make and use the claimed invention. Accordingly, reconsideration is respectfully requested.

Claims 1-8 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the phrase "or any moiety linked to the benzene ring by a carbon atom" was considered vague and indefinite. Applicants note that the above-rejected phrase is not used in any of the present claims. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Claim 8 has been rejected as being redundant as claiming the same subject matter as claim 7. While claims 7 and 8 have been cancelled, Applicants submit that the present method claims are not redundant. Accordingly, this rejection is traversed and reconsideration is respectfully requested. Particularly, Applicants note that claims 16, 21 and 25 employ a dye having a specific previously published property, while claims 15, 20 and 24 do not recite this requirement. Additionally, in accordance with the Examiner's suggestion, the term "SES" has been replaced in the claims by the term "sulphato-ethane-sulphonyl" as defined in the specification. Reconsideration is respectfully requested.

Claims 1-8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hoyer et al., United States Patent No. 4,492,654 ("Hoyer et al."). The Examiner asserted that Hoyer et al. disclose fiber reactive disazo compounds which contain the limitations of compound 3 in its alternative tautomeric form and methods of dyeing and printing fibrous materials therewith. Specifically, the Examiner cited Hoyer et al.'s abstract and formula (1) in column 1, lines 43 et seq.

This rejection is traversed and reconsideration is respectfully requested. Applicants submit that the present claims 9-25 define compounds which are clearly distinguishable over Hoyer et al. Anticipation under 35 U.S.C. § 102 requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference, *In re Robertson*, 49 USPQ 2d 1949 (Fed. Cir. 1999). In view of the failure of Hoyer et al. to teach the compounds required by claims 9-25, Hoyer et al. fail to anticipate the present claims under 35 U.S.C. § 102. It is therefore believed that the rejection has been overcome. Reconsideration is respectfully requested.

Claims 1-8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hoechst, European Patent No. 048 355 ("Hoechst"). The Examiner asserted that Hoechst discloses fiber reactive disazo compounds which contain the limitations of compound 3 in its alternative tautomeric form and methods of dyeing and printing fibrous materials therewith. Specifically, the Examiner cited Hoechst's abstract, the formulae 245, 254, 258-260, 278 and claims 6-7.

This rejection is traversed and reconsideration is respectfully requested. Particularly, Applicants submit that the present claims 9-25 define compounds which are clearly distinguishable from the teachings of Hoechst, including, inter alia those set forth in the abstract, and formulae 245-254, 258-260, and 278 and claims 6 and 7 of Hoechst. In view of the failure of Hoechst to teach compounds as required by present claims 9-25, Hoechst does not disclose each and every element of the present claims and therefore does not anticipate these claims under 35 U.S.C. § 102, *In re Robertson, supra*. It is therefore submitted that the rejection has been overcome and reconsideration is respectfully requested.


Additionally, claims 1-8 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Dystar, European Patent No. 1 046 677 ("Dystar") and under § 102(e) as being anticipated by Eichhorn, United States Patent No. 6,281,340 ("Eichhorn"), which is the U.S.

equivalent to the Dystar reference. The Examiner asserted that these two references disclose fiber reactive disazo compounds which contain the limitations of compound 3 in its alternative tautomeric form and methods of dyeing and printing fibrous materials therewith. Specifically, the Examiner cited to examples 32 and 76 and claims 6 and 7.

These rejections are traversed and reconsideration is respectfully requested. Specifically, Applicants submit that the compounds which are required by present claims 9-25 are clearly distinguishable from the teachings of Dystar and Eichhorn, including examples 32 and 76 and claims 6 and 7 of both references. In view of the failure of these references to disclose each and every element as set forth in the present claims, these references fail to anticipate present claims 9-25 under 35 U.S.C. § 102, *In re Robertson, supra*. It is therefore submitted that the rejections under 35 U.S.C. § 102 have been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. §§ 102, 112, first paragraph, and 112, second paragraph, and as such, place the present application having claims 9-25 in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



Holly D. Kozlowski, Reg. No. 30,468  
DINSMORE & SHOHL LLP  
1900 Chemed Center  
255 E. Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8568